

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on March 22, 2007 at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

President Mike Cooney  
Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Dan McGee (R)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Carol Williams (D)

##### **Members Excused:**

Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Lynda Moss (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David Wanzienried (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 464, 3/16/2007; HB 579,  
3/16/2007; HB 683, 3/16/2007;  
HB 468, 3/16/2007  
Executive Action: None.

**HEARING ON HB 464**

**Opening Statement by Sponsor:**

00:01:55 REP. KEN PETERSON (R), HD 46, opened the hearing on HB 464, Revise damages for unfair claims settlement practices.

**EXHIBIT(jus61a01)**

**Proponents:**

00:10:20 Rick Anderson, Insurance Attorney

00:24:55 Jim McCluskey, Insurance Claims Manager

00:27:11 Jim Manley, President, Montana Trial Lawyers Association

00:36:00 Al Smith, Montana Trial Layers Association

**EXHIBIT(jus61a02)**

**Opponents:**

00:43:42 Bob Phillips, Insurance Law Attorney

**EXHIBIT(jus61a03)**

00:51:07 Randy Nelson, Trial Lawyer

**EXHIBIT(jus61a04)** This exhibit was not allowed as Committee Chairman determined that it was not pertinent to HB 464.

**EXHIBIT(jus61a05)**

01:08:35 Rob Tameler, Insurance Attorney

01:14:22 Bruce Spencer, Montana Automobile Association

**EXHIBIT(jus61a06)**

01:16:12 Kelly Campbell, Property Casualty Insurance Association

01:17:21 John Alke, Montana Defense Trial Lawyers Association

01:22:07 Greg Van Horssen, State Farm Insurance

01:25:52 Jacqueline Lenmark, American Insurance and the American Association of Life Insurers

01:28:59 John Metropoulos, Farmers Insurance

01:32:33 Franke Cote, Farmers Union Mutual Insurance, American's Health Insurance Plans, and Blue Cross Insurance Plans

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:35:24 Sen. Jent to Randy Nelson

01:41:29 Sen. Jent to Bob Phillips

01:48:15 Sen. Shockley to Randy Nelson

01:50:51 Sen. Shockley to Rick Anderson

01:56:13 Sen. Shockley to Franke Cote

01:58:59 Sen. McGee to Rep. Peterson

02:02:53 Sen. McGee to Randy Nelson

02:06:28 Sen. Perry to Rob Tameler

02:09:01 Sen. Perry to Randy Nelson

02:10:21 Sen. Perry to Bob Phillips

02:12:20 Sen. Perry to Jacqueline Lenmark

02:21:34 Sen. McGee to Rep. Peterson

**Closing by Sponsor:**

02:25:43 Rep. Peterson

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**HEARING ON HB 683**

**Opening Statement by Sponsor:**

02:48:57 **REP. MICHELE REINHART (D), HD 97**, opened the hearing on **HB 683**, Revise guardianship laws.

**EXHIBIT**(jus61a07)

**Proponents:**

02:51:26 Beth Brenneman, Montana Advocacy Program

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:55:07 Sen. McGee to Beth Brenneman

03:00:13 Sen. O'Neil to Beth Brenneman

**Closing by Sponsor:**

03:01:48 Rep. Reinhart

**HEARING ON HB 579**

**Opening Statement by Sponsor:**

02:37:56 REP. ALAN OLSON (R), HD 45, opened the hearing on HB 579, Revise law on excess proceeds from trustee sale.

**Proponents:**

02:39:01 Ronda Wiggers

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:40:52 Sen. O'Neil to Rep. Olson

02:42:11 Referred to Ronda Wiggers

02:43:01 Sen. Shockley to Ronda Wiggers

02:45:00 Sen. O'Neil to Ronda Wiggers

02:45:27 Sen. Laslovich to Ronda Wiggers

**Closing by Sponsor:**

02:48:15 Rep. Olson

**HEARING ON HB 468**

**Opening Statement by Sponsor:**

03:02:53 REP. TOM MCGILLVRAY (R), HD 50, opened the hearing on HB 468, Confidentiality of physician assistance program.

**Proponents:**

03:05:47 Pat Melby, Montana Medical Association

**EXHIBIT(jus61a08)**

03:13:30 Michael Ramirez, Montana Physicians Assistance Program

**EXHIBIT(jus61a09)**

**EXHIBIT(jus61a10)**

03:16:51 Greg Van Horssen

**Opponents:**

03:20:00 Al Smith, Montana Trial Lawyers Association

**EXHIBIT(jus61a11)**

03:35:11 Rep. Shannon Augare

03:36:59 Don Judge, Montana Nurses Association

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

03:43:21 Sen. McGee to Al Smith

03:48:07 Sen. McGee to Pat Melby

03:54:47 Sen. O'Neil to Al Smith

03:56:32 Sen. Jent to Pat Melby

**Closing by Sponsor:**

04:01:22 Rep. McGillvray

**ADJOURNMENT**

Adjournment: 12:10 P.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

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Additional Exhibits:

**EXHIBIT ([jus61aad.pdf](#))**